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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,373	02/28/2002	Maurice Sharp	PALM-3781.US.P	3394

7590 01/23/2004

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EXAMINER

JASMIN, LYNDIA C

ART UNIT PAPER NUMBER

3627

DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,373

Applicant(s)

SHARP, MAURICE

Examiner

Lynda Jasmin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-13,15-22 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-13,15-22 and 24-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Amendment received November 10, 2003 has been acknowledged. Claims 4, 14 and 23 have been cancelled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner, in which the invention was made.

3. Claims 1-3, 5-13, 15-22 and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Panofsky et al. (2002/0161476 A1), in view of Nielsen et al. (2002/0099658 A1).

Panofsky et al. discloses a networked software dispensing system having a bus (via USB, IrDA, or parallel port connector), a memory unit (solid state memory) coupled with the bus for storing a software program (such as digital files), a display device (interface screen 11 via 90) coupled with the bus, a communications interface (box 27) coupled with the bus for communicating with a portable electronic device (either a laptop or a personal digital assistant), a device for accepting a payment for the software program coupled with the bus (inserting coins, bills, or swiping a credit card), and a processor coupled with the bus for transferring the software program to the portable electronic device in response to the payment (via computer system locating at the

vending machine or host terminal, box 46, lines 1-8). The communications interface is a wireless communications interface (box 93).

Panofsky et al further discloses a network interface for communicating with a remote network server (box 47). The remote network server transmits additional software to the network interface for storage on the memory unit (box 32). The network interface communicates a backup configuration of the portable computer system to the remote network server (via uploading large files from the handheld device, box 50, lines 39-44). The display device displays, in conjunction with the backup configuration, an emulated version of the portable computer system box 50, line 25-38). The remote network server (via central server) archives an inactive software program for the portable computer system (via the online account). The remote network server transmits an updated version of the software program to the portable computer system (box 75). However, Panofsky et al. fails to explicitly disclose the display device displaying an emulation of the portable computer system.

Nielsen et al. discloses a self-service terminal (such as an ATM) with the concept of the terminal (12) having a display (52) and including means for accessing a mobile portable (30). The terminal includes portable device emulation means, whereby the terminal is operable to retrieve and display information intended for the portable device [box 43-44]. From this teaching of Nielsen et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the vending and dispensing of digital files with customize display on a screen of Panofsky et al. to

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include the displaying an emulation of the portable computer system taught by Nielsen et al. in order to retrieve and display information intended for a portable device.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 10 and 20 have been considered but are moot in view of the new ground(s) of rejection.

Nielsen et al. discloses a mobile portal software component for installing on an ATM, whereby, in use, the software component is able to access a mobile portal for retrieving information adapted for viewing on a portable device, and to configure the retrieved information for presenting to a user of the ATM.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tanner et al. (2002/0073025 A1) discloses a virtual electronic device shown on a display by a processor to emulate operation of the electronic device.

Want et al. (2003/0115038 A1) discloses a portable electronic device communicating emulation data to an access device to output to a user to emulate an electronic apparatus.

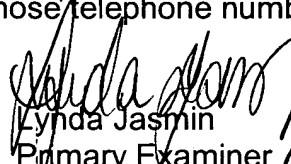
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (703) 305-

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0465. The examiner can normally be reached on Monday- Friday (8:00-5:30) alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1113.


Lynda Jasmin
Primary Examiner
Art Unit 3627
1/16/04

lj